



#3

Patent

Docket Number: AM-00102.P.1-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
Efimov et al.)	Examiner: To be determined
)	
Application No.: 09/805,296)	Art Unit: To be determined
)	
Filed: March 13, 2001)	
)	
For: OLIGONUCLEOTIDE)	
ANALOGUES, METHODS OF)	
SYNTHESIS, AND METHODS OF USE)	
_____)	

Assistant Commissioner for Patents
Washington D.C. 20231

Sir:

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

This response is being filed within two months of the mailing of the referenced Notice on June 29, 2001. Thus, this response is timely filed and no fee is deemed necessary.

Enclosed are printed and electronic copies of the SEQ ID LISTING prepared, validated using PatentIn software and filed with this application, the appropriate statements under 37 C.F.R. 1.821-1.825 and a copy of the referenced Notice. Apparently the diskette filed with this application was damaged, resulting in improper printouts at the USPTO.



It is respectfully requested that the attached postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Please apply any charges not covered, or any credits, to **Deposit Account 501321** in the name of **David R. Preston & Associates** having **Customer No.: 24232**.

Date:

July 2, 2001

Respectfully submitted,

A handwritten signature of David R. Preston, consisting of stylized loops and a final flourish, written over a horizontal line.

David R. Preston

Reg. No. 38,710

David R. Preston & Associates
11404 Sorrento Valley Road
Suite 104
San Diego, CA 92121
phone: 858.450.1388
facsimile: 858.450.2188



UNITED STATES PATENT AND TRADEMARK OFFICE

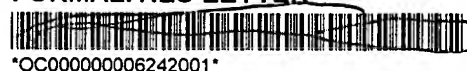
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/805,296	03/13/2001	Vladimir Efimov	AM-00102.P.1-US

CONFIRMATION NO. 2109

24232
DAVID R PRESTON & ASSOCIATES
11404 SORRENTO VALLEY ROAD
SUITE 104
SAN DIEGO, CA 92121

FORMALITIES LETTER



OC000000006242001

Date Mailed: 06/29/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

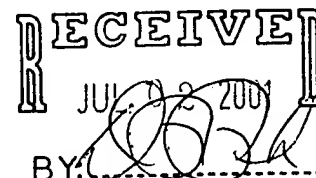
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

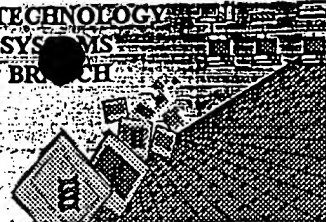
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY





CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer-readable form (CRF):

Application Serial Number: 09/805,296

Filing Date: 3-13-01

Date Processed by STIC: 3-28-01

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

☐ (circle one) Damaged or Unreadable (for Unreadable, see attached)

☐ Blank (no files on CRF) (see attached)

☐ Empty file (filename present, but no bytes in file) (see attached)

☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.

☒ Not saved in ASCII text

☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.

☐ Did not contain a Sequence Listing. (see attached sample)

☒ Other: Non-valid sequence listing format.

**PLEASE USE THE CHECKER VERSION 3.0 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR DETAILS:**

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO).

Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

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p. 1

Does Not Comply
Corrected Diskette Needed

-- CProject --

CProjectData BOLIGONUCLEOTIDE ANALOGUES, METHODS OF SYNTHESIS AND METHODS OF
US

AM-00102.P.1

CDNASequence

SEQ ID NO:1 synthetic construct 1ctggaggaag atctg
15 agctrymkswbdhvn DNA

-- CCommentFeature

SEQ ID NO:2 synthetic
construct atggaaccgaaatct agctrymkswbdhvn DNA
? 0 ?
SEQ ID NO:3 synthetic construct

aaacrcacacctgc agctrymkswbdhvn DNA ?
? ?

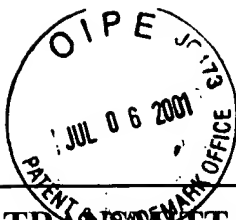
SEQ ID NO:4 synthetic
construct tccgttatgcacgaa agctrymkswbdhvn DNA
? ?

SEQ ID NO:5 synthetic
construct aaccactacaccag agctrymkswbdhvn DNA
?

?
SEQ ID NO:6 synthetic
construct gggaaataaggatcc agctrymkswbdhvn DNA
? K6 ?

SEQ ID NO:7 synthetic
construct actactactactact agctrymkswbdhvn DNA
? K6 ?

* Non - valid sequence listing format.
See attached sample and explanation
of features.



T

0300
Box - SEQ
#3

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number:	09/805,296
		Filing Date:	March 13, 2001
		First Named Inventor:	Efimov
		Group Art Unit:	To be determined
		Examiner:	To be determined
Total Pages in This Submission:	13	Attorney Docket Number:	AM-00102.P.1-US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal, Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits / Declarations(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Requests	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Inclosures, identified below: Postcard CRF disk for SEQ ID LISTING SEQ ID LISTING Statement under 37 CFR 1.821-1.825 Copy of Notice to Comply with SEQ ID Requirements
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts / Incomplete Application	Remarks:	
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		



SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	David R. Preston
Signature	<i>David R. Preston</i>
Date	July 2, 2001

CERTIFICATE OF MAILING				
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.			Date:	7/3/01
Typed or printed name:		David R. Preston		
Signature		<i>David R. Preston</i>	Date:	7/3/01



FEE TRANSMITTAL		Complete if Known	
Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.		Application Number:	09/805,296
		Filing Date:	March 13, 2001
		First Named Inventor:	Vladimir Efimof
		Group / Art Unit:	To be determined
Total Amount of Payment	\$ 0.00	Docket Number:	AM-00102.P.1-US

METHOD OF PAYMENT
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <input type="checkbox"/> Deposit Account Name: <input type="checkbox"/> <input type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance.
2. <input type="checkbox"/> Payment Enclosed <input type="checkbox"/> Check Number _____ <input type="checkbox"/> Money Order <input type="checkbox"/> Other


FEE CALCULATION						
1. BASIC FILING FEE						
	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
	101		201		Utility Filing Fee	\$
	106		206		Design Filing Fee	\$
	107		207		Plant Filing Fee	\$
	108		208		Reissue Filing Fee	\$
	114		214		Provisional Filing Fee	\$
SUBTOTAL (1)						\$ 0.00

2. EXTRA CLAIM FEES								
				Extra Claims		Fee From Below		Fee Paid
Total Claims	[]	-20 **	Equals	[]	Times	[]	Equals	\$ 0.00
Independent Claims	[]	-3 **	Equals	[]	Times	[]	Equals	\$ 0.00
Subtotal (2)								\$ 0.00
** or number previously paid, if greater, For Reissues, see below								
	Large Entity		Small Entity		Fee Description			
	Fee Code	Fee (\$)	Fee Code	Fee (\$)				
	103		203		Claims in excess of 20			
	102		202		Independent claims in excess of 3			
	104		204		Multiple dependent claim, if not paid			
	109		209		** Reissue independent claims over original patent			
	110		210		** Reissue claims in excess of 20 and over original patent			

3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105		205		Surcharge - late filing fee or oath	\$
127		227		Surcharge - late provisional filing fee or cover sheet	\$
139		139		Non-English specification	\$
147		147		For filing a request for reexamination	\$
112		112		Requesting publication of SIR prior to Examiner action	\$
113		113		Requesting publication of SIR after Examiner action	\$
115		215		Extension for reply within first month	\$
116		216		Extension for reply within second month	\$
117		217		Extension for reply within third month	\$
118		218		Extension for reply within fourth month	\$
128		228		Extension for reply within fifth month	\$
119		219		Notice of Appeal	\$
120		220		Filing a brief in support of an appeal	\$
121		221		Request for oral hearing	\$
138		138		Petition to institute a public use proceeding	\$
140		240		Petition or revive - unavoidable	\$
141		241		Petition or revive - unintentional	\$
142		242		Utility issue fee (or reissue)	\$
143		243		Design issue fee	\$
144		244		Plant issue fee	\$
122		122		Petitions to the Commissioner	\$
123		123		Petitions related to provisional applications	\$
126		126		Submission of Information Disclosure Statement	\$
581		581		Recording each patent assignment per property	\$
146		246		Filing a submission after final rejection (37 C.F.R. 1.129(a))	\$
149		249		For each additional invention to be examined (37 CFR 1.129(b))	\$
Other fee (specify):					\$
				Subtotal (3)	\$ 0.00



4. SUMMATION OF FEES	
SUBTOTAL (1)	\$ 0.00
SUBTOTAL (2)	\$ 0.00
SUBTOTAL (3)	\$ 0.00
TOTAL FEES	\$ 0.00

SUBMITTED BY			Complete (If Applicable)	
Typed or Printed Name	David R. Preston		Registration Number:	38,710
Signature		Date: 7/2/07	Deposit Account User ID Number	501321